

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

PANAMA-BUENA VISTA UNION
SCHOOL DISTRICT, KERN COUNTY
CONSORTIUM SELPA, KERN COUNTY
OFFICE OF EDUCATION AND CLAUDE
RICHARDSON DEVELOPMENT
CENTER.

OAH CASE NO. 2009050651

ORDER GRANTING SPECIAL
EDUCATION LOCAL PLANNING
AREA'S MOTION TO DISMISS

On June 15, 2009, Parent, on behalf of Student, filed an amended Due Process Hearing Request (complaint) against Panama-Buena Vista Union School District (District), Kern County Consortium Special Educational Local Planning Area (SELPA), Kern County Office of Education (KCOE) and Claude Richardson Development Center (Richardson).

On July 21, 2009, attorney Stacy L. Inman, on behalf of the SELPA, filed a motion to dismiss. On July 23, 2009, Student filed a response.

APPLICABLE LAW

Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56501, subd. (a).) A "public agency" is defined as "a school district, county office of education, special education local plan area, . . . or any other public agency . . . providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.)

DISCUSSION

In the present matter, Student's complaint does not contain allegations that the SELPA provided any services to Student, was involved in any assessment of Student, or participated in the development of the individualized educational programs (IEPs) listed in the complaint. Student contends that the SELPA is an appropriate party because of its

supervisory role to ensure that districts within its planning area provide students with an appropriate education and because Student's IEPs are on forms prepared by the SELPA. However, Student presents no evidence in the opposition brief that the SELPA was responsible to provide Student or provided him with any special education services. Therefore, the SELPA is not a proper party to this action and its motion to dismiss is granted.

ORDER

The SELPA's motion to dismiss is granted. The matter will proceed as scheduled against the Panama-Buena Vista Union School District, Kern County Office of Education and Claude Richardson Development Center.

Dated: July 28, 2009

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings